

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:	)	
	)	Chapter 11
Duro Dyne National Corp., <i>et al.</i> <sup>1</sup>	)	Case No. 18-27963 (MBK)
	)	
Debtors.	)	
	)	(Jointly Administered)

**AFFIDAVIT OF SUPPLEMENTAL SERVICE RE:**

SOLICITATION PACKAGE CONSISTING OF:  
[provided on Thumb Drive]

Exhibit 1  
[copy not attached  
hereto]

- SOLICITATION COVER LETTER
- NOTICE OF HEARING ON CONFIRMATION OF PLAN OF REORGANIZATION
- COMMITTEE PLAN SUPPORT LETTER
- AMENDED ORDER (I) APPROVING SECOND AMENDED DISCLOSURE STATEMENT AS PROVIDING ADEQUATE INFORMATION WITHIN THE MEANING OF SECTION 1125(A) OF THE BANKRUPTCY CODE; (II) ESTABLISHING PROCEDURES FOR SOLICITATION AND TABULATION OF VOTES ON AMENDED PLAN OF REORGANIZATION; (III) APPROVING THE FORM OF BALLOTS; (IV) SCHEDULING A HEARING ON CONFIRMATION OF THE PLAN; (V) APPROVING THE FORM, MANNER AND SCOPE OF MAILED AND PUBLISHED NOTICES OF THE TIME FIXED TO (A) VOTE ON THE AMENDED PLAN, AND (B) FILE OBJECTIONS TO CONFIRMATION OF THE AMENDED PLAN; AND (VI) GRANTING RELATED RELIEF [Docket No. 289]
- SECOND AMENDED DISCLOSURE STATEMENT FOR SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION FOR DURODYNE NATIONAL CORP., ET AL. (Including "EXHIBIT A," SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION FOR DURO DYNE NATIONAL CORP., ET AL., UNDER CHAPTER 11 OF THE BANKRUPTCY CODE)

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

NOTICE OF HEARING ON CONFIRMATION OF PLAN OF REORGANIZATION

Exhibit 2  
[copy attached hereto]

SOLICITATION COVER LETTER

Exhibit 3  
[copy attached hereto]

INDIVIDUAL BALLOT FOR VOTING ON THE SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION OF DURO DYNE NATIONAL CORP., ET AL. UNDER CHAPTER 11 OF THE BANKRUPTCY CODE FOR CLASS 7 CHANNELED ASBESTOS CLAIMS

Exhibit 4  
[copy attached hereto]

MASTER BALLOT FOR VOTING ON THE SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION OF DURO DYNE NATIONAL CORP., ET AL. UNDER CHAPTER 11 OF THE BANKRUPTCY CODE FOR CLASS 7 CHANNELED ASBESTOS CLAIMS

Exhibit 5  
[copy attached hereto]

BALLOT FOR VOTING ON THE SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION OF DURO DYNE NATIONAL CORP., ET AL. UNDER CHAPTER 11 OF THE BANKRUPTCY CODE [CLASS 7, INDIRECT ASBESTOS CLAIMS]

Exhibit 6  
[copy attached hereto]

COMMITTEE PLAN SUPPORT LETTER

Exhibit 7  
[copy attached hereto]

AMENDED ORDER (I) APPROVING SECOND AMENDED DISCLOSURE STATEMENT AS PROVIDING ADEQUATE INFORMATION WITHIN THE MEANING OF SECTION 1125(A) OF THE BANKRUPTCY CODE; (II) ESTABLISHING PROCEDURES FOR SOLICITATION AND TABULATION OF VOTES ON AMENDED PLAN OF REORGANIZATION; (III) APPROVING THE FORM OF BALLOTS; (IV) SCHEDULING A HEARING ON CONFIRMATION OF THE PLAN; (V) APPROVING THE FORM, MANNER AND SCOPE OF MAILED AND PUBLISHED NOTICES OF THE TIME FIXED TO (A) VOTE ON THE AMENDED PLAN, AND (B) FILE OBJECTIONS TO CONFIRMATION OF THE AMENDED PLAN; AND (VI) GRANTING RELATED RELIEF [Docket No. 289]

Exhibit 8  
[copy not attached hereto]

SECOND AMENDED DISCLOSURE STATEMENT FOR SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION FOR DURODYNE NATIONAL CORP., ET AL. (Including "EXHIBIT A," SECOND AMENDED PRENEGOTIATED PLAN OF REORGANIZATION FOR DURO DYNE NATIONAL CORP., ET AL., UNDER CHAPTER 11 OF THE BANKRUPTCY CODE)

Exhibit 9  
[copy not attached  
hereto]

PRE-ADDRESSED RETURN ENVELOPE

Exhibit 10  
[copy not attached  
hereto]

I, Mabel Soto, state as follows:

1. I am over eighteen years of age and I believe the statements contained herein are true based on my personal knowledge. My business address is c/o BMC Group, Inc., 3732 West 120<sup>th</sup> Street, Hawthorne, California 90250.

2. On January 15, 2019, at the direction of Lowenstein Sandler LLP, Counsel to the Debtors and Debtors in Possession, the above referenced documents were served on the parties listed in Exhibits A and B via the modes of service indicated thereon:

Exhibit A The Affected Parties Address List regarding Exhibits 1 through 7 and 10

Exhibit B The Affected Parties Address List regarding Exhibits 2 through 9

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 16th day of January 2019 at Hawthorne, California.



Mabel Soto

## **EXHIBIT 2**

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEW JERSEY**

In re:  
Duro Dyne National Corp., Duro Dye  
Corp., Duro Dyne Machinery Corp., Duro  
Dyne Midwest Corp., and Duro Dyne West  
Corp,  
  
Debtors.

Chapter 11  
Case No. 18–27963 (MBK)  
  
(Jointly Administered )

**NOTICE OF HEARING ON CONFIRMATION OF PLAN OF REORGANIZATION**

1. **Bankruptcy Case.** On September 7, 2018, Duro Dyne National Corp., *et al* (“Debtors”) petitioned for reorganization under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of New Jersey (“Bankruptcy Court”). The purpose of the Debtors’ chapter 11 reorganization is to resolve all existing and future asbestos-related personal injury and wrongful death claims.

2. **Approval of Disclosure Statement.** On November 20, 2018, the Bankruptcy Court entered an order approving the Second Amended Disclosure Statement (“Disclosure Statement”) with respect to the Debtors’ Second Amended Plan of Reorganization (“Plan”).

3. **Solicitation Materials Distributed to Voting Classes.** The Disclosure Statement, together with copies of the Plan, Ballots and other voting materials, called a “Solicitation Package”, has been mailed to known holders of Class 6 (Prepetition Defense-Cost Contributions) and Class 7 (Channeled Asbestos Claims) or their lawyers. You should read all of the documents included in the Solicitation Package for details about how the Plan may affect your rights.

4. **Notices to Non-Voting Classes.** This Notice and a Notice of Non-Voting Status has been mailed to known holders of Class 1, 2, 3, 4, 5, 8, 9, 10, 11 and 12 Claims. If you are a member of a Non-Voting Class, you should read the Solicitation Package for details about how the Plan may affect your rights.

5. **Key Parts of the Plan.** *The Plan provides for the establishment of an Asbestos Trust that will resolve and, as appropriate, pay all eligible Channeled Asbestos Claims. The Plan provides for the issuance of an Asbestos Permanent Channeling Injunction that will channel all current and future Asbestos Claims and Demands against the Debtors to the Asbestos Trust, which will assume liability for all Channeled Asbestos Claims and use its assets to resolve and compensate eligible Channeled Asbestos Claims. The Plan also proposes certain releases and exculpations, whereby certain parties would be shielded from liability or exculpated for a variety of claims.*

6. **How to Vote on the Plan.** The Bankruptcy Court has issued an order describing who can vote on the Plan and how to vote. The Disclosure Statement contains information that will help you decide how to vote on the Plan if you are entitled to do so. ***Your legal rights may be affected if the Plan is confirmed (approved).*** Lawyers for holders of Channeled Asbestos Claims may vote on the Plan on behalf of their clients if the lawyers are authorized to do so. If you are unsure whether your lawyer is authorized to vote on your behalf, please contact your lawyer. To be counted, a ballot voting on the Plan must be ***actually received*** by the Balloting Agent at one of the addresses below by **January 24, 2019 at 4:00 p.m. (E.T.)**. Ballots that are *not actually received* by that date and time—even if they are postmarked on that date—will not be counted. Ballots will ***not*** be accepted by facsimile or other electronic means, including email.

**IF BY REGULAR MAIL:**

BMC Group, Inc.  
Attn: Duro Dyne Ballot Processing  
PO Box 90100  
Los Angeles, CA 90009

**IF BY MESSENGER OR OVERNIGHT  
DELIVERY:**

BMC Group, Inc.  
Attn: Duro Dyne Ballot Processing  
3732 West 120th Street  
Hawthorne, CA 90250

7. **Objections to Confirmation of the Plan.** Objections and responses to confirmation of the Plan must (i) be in writing, (ii) set forth in detail the name and address of any party filing the objection, the grounds for the objection, any relevant and admissible evidence in support of the objection, and the amount of the objector's claims or such other grounds that give the objector standing to assert the objection, (iii) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, (iv) be filed with the Bankruptcy Court, and (v) served in accordance with the Local Rules upon the following parties so as to be actually received on or before **February 8, 2019 at 4:00 p.m. (E.T.)**: (i) counsel to the Debtors at Lowenstein Sandler LLP, One Lowenstein Drive, Roseland, New Jersey 07068, Attn: Jeffrey D. Prol, Esq.; (ii) counsel to the Asbestos Claimants Committee at Caplin & Drysdale, Chtd., One Thomas Circle, N.W., Suite 1100, Washington, D.C. 20005, Attn: James P. Wehner, Esq.; (iii) the Future Claimants' Representative at Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington, DE 19801 Attn: Edwin J. Harron, Esq.; and (iv) the Office of the United States Trustee for the District of New Jersey, One Newark Center, 1085 Raymond Boulevard, Suite 2100, Newark, NJ 07102, Attn: Mitchell Hausman, Esq.. Registered users of the Bankruptcy Court's case filing system must electronically file their objections and responses. All other parties in interest must file their objections and responses in writing with the Clerk of the Bankruptcy Court, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. ***If you or your attorney does not file an objection to the Plan, the Bankruptcy Court may conclude that you do not object to confirmation of the Plan, and may enter an order confirming the Plan by which you will be bound.***

8. **Hearing on Confirmation of the Plan.** A hearing ("Confirmation Hearing") to consider whether the Bankruptcy Court should confirm the Plan will be held at the United States Bankruptcy Court for the District of New Jersey, Courtroom 8, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608, on **March 6, 7 and 8, 2019, at 10:00 a.m. (E.T.)**.

9. **Additional Information.** Copies of the Plan, the Disclosure Statement and other materials contained in the Solicitation Package, including a ballot to vote on the Plan, may be obtained by contacting the Debtors' Balloting Agent at either of the addresses listed above; by email at [DuroDyne@bmcbgroup.com](mailto:DuroDyne@bmcbgroup.com) or by visiting [www.bmcbgroup.com/durodyne](http://www.bmcbgroup.com/durodyne).

Copies of the Plan and the Disclosure Statement also may be examined between the hours of 9:00 a.m. and 4:30 p.m. E.T. at the Bankruptcy Court Clerk's office at the Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. To the extent any portion of this notice conflicts with the Plan or the Disclosure Statement, the terms of those documents shall control over this notice.

Dated: November 20, 2018

**LOWENSTEIN SANDLER LLP**

By: s/Jeffrey D. Prol, Esq.

## **EXHIBIT 3**



**In re Duro Dyne National Corp., et al <sup>1</sup>**  
**Chapter 11 Case No. 18-27963 (MBK)**

November 20, 2018

To Whom it May Concern:

On November 20, 2018, the United States Bankruptcy Court for the District of New Jersey (the “Court”) <sup>2</sup> entered an amended order (the “Solicitation Order”) approving the Second Amended Disclosure Statement in Support of the Second Amended Prenegotiated Plan of Reorganization for Duro Dyne National Corp., et al. (as may be further amended or supplemented and including all exhibits and supplements thereto, the “Disclosure Statement”)[Dkt No. 289]. Additionally, the Court authorized the above-referenced chapter 11 debtors, Duro Dyne National Corp., et al. (the “Debtors”), to solicit votes with regard to the acceptance or rejection of the Second Amended Prenegotiated Plan of Reorganization (the “Plan”).

All holders of Claims in Classes 6 and 7 (as well as the other Notice Parties) will receive the enclosed materials which constitute the “Solicitation Package”. The Solicitation Package consists of a USB flash drive containing:

1. the Disclosure Statement (with the Plan attached as an exhibit); and
2. the Solicitation Order (with the Voting Procedures attached as an exhibit).

The Solicitation Package also includes:

1. this cover letter describing the contents of the Solicitation Package, and instructions for obtaining (free of charge) a printed copy of the Solicitation Package;
2. the Confirmation Hearing Notice;
3. solely for the holders of claims entitled to vote on the Plan, appropriate ballots and voting instructions for the same; and
4. solely for the holders of claims entitled to vote on the Plan, pre-addressed, return envelopes for completed ballots.

All other creditors and parties in interest not entitled to vote on the Plan will receive a copy of the Confirmation Hearing Notice and a Notice of Non-Voting Status.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Plan and Disclosure Statement, as applicable.

The Debtor believes that acceptance of the Plan is in the best interests of the Holders of Claims against the Debtors in Classes 6 and 7 (the Classes that are entitled to vote on the Plan) because the Plan provides the most efficient means of administering the Debtors' estate and maximizes the value stakeholders will receive from the Debtors' estate.

**ACCORDINGLY, THE DEBTORS URGE ALL CREDITORS ENTITLED TO VOTE ON THE PLAN TO TIMELY SUBMIT A BALLOT ACCEPTING THE PLAN. IF YOUR BALLOT IS NOT RECEIVED BY THE BALLOTING AGENT ON OR BEFORE 4:00 P.M., PREVAILING EASTERN TIME, ON JANUARY 24, 2019 AND SUCH DEADLINE IS NOT EXTENDED, YOUR VOTE WILL NOT COUNT AS EITHER AN ACCEPTANCE OR REJECTION OF THE PLAN. IF THE PLAN IS CONFIRMED BY THE BANKRUPTCY COURT IT WILL BE BINDING ON YOU WHETHER OR NOT YOU VOTE.**

IF YOU HAVE ANY QUESTIONS CONCERNING THIS BALLOT, OR IF YOU DID NOT RECEIVE A USB FLASH DRIVE CONTAINING A COPY OF THE DISCLOSURE STATEMENT AND PLAN, PLEASE CONTACT THE BALLOTING AGENT EITHER BY EMAIL AT [DURODYNE@BMCGROUP.COM](mailto:DURODYNE@BMCGROUP.COM); VISITING THE WEBSITE [WWW.BMCGROUP.COM/DURODYNE](http://WWW.BMCGROUP.COM/DURODYNE); OR BY MAIL TO EITHER OF THE FOLLOWING ADDRESSES:

<b>IF BY REGULAR MAIL:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing PO Box 90100 Los Angeles, CA 90009	<b>IF BY MESSENGER OR OVERNIGHT DELIVERY:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing 3732 West 120th Street Hawthorne, CA 90250
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**Duro Dyne National Corp., et al**

By their counsel:

/s/ Jeffrey D. Prol

Kenneth A. Rosen, Esq.

Jeffrey D. Prol, Esq.

[krosen@lowenstein.com](mailto:krosen@lowenstein.com)

[jprol@lowenstein.com](mailto:jprol@lowenstein.com)

(973) 597-2500

**LOWENSTEIN SANDLER LLP**

One Lowenstein Drive

Roseland, New Jersey 07068

## **EXHIBIT 4**

**INDIVIDUAL BALLOT FOR CLASS 7 (CHANNELED ASBESTOS CLAIMS)**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18 27963(MBK))

(Jointly Administered)

**INDIVIDUAL BALLOT FOR VOTING ON THE SECOND AMENDED  
PRENEGOTIATED PLAN OF REORGANIZATION OF DURO DYNE NATIONAL  
CORP., ET AL. UNDER CHAPTER 11 OF THE BANKRUPTCY CODE  
FOR CLASS 7 CHANNELED ASBESTOS CLAIMS**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) are soliciting votes with respect to the *Second Amended Prenegotiated Plan of Reorganization of Duro Dyne National Corp. et al. Under Chapter 11 of the Bankruptcy Code*, dated November 15, 2018 (the “Plan”), which is described in the *Second Amended Disclosure Statement with Respect to the Prenegotiated Plan of Reorganization of Duro Dyne National Corp. et al. Under Chapter 11 of the Bankruptcy Code*, dated November 15, 2018 (the “Disclosure Statement”), both of which are included in the USB flash drive accompanying this Ballot. The Plan and Disclosure Statement can also be accessed on the internet at [www. www.bmcgroup.com/DuroDyne](http://www.bmcgroup.com/DuroDyne).

On November 20, 2018, the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”) signed an order approving certain procedures (the “Voting Procedures”) for the solicitation and tabulation of votes on the Plan. Capitalized terms used but not defined in this ballot shall have the meanings given in the Plan.

*The Plan, attached to the Disclosure Statement as Exhibit “A”, provides for the issuance of an “Asbestos Permanent Channeling Injunction” pursuant to section 524(g) of the Bankruptcy Code. For a description of the claims and causes of action that would be enjoined and the identities of the entities that would be subject to the injunction, see Article VIII of the Disclosure Statement and Article IX of the Plan. The Plan also proposes certain releases, injunctions, and exculpations, pursuant to which certain parties are released from liability or exculpated for a variety of claims.*

**IF YOU HAVE ANY QUESTIONS CONCERNING THIS BALLOT, OR IF YOU  
DID NOT RECEIVE A USB FLASH DRIVE CONTAINING A COPY OF THE**

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

**DISCLOSURE STATEMENT AND PLAN, YOU MAY CONTACT THE BALLOTING AGENT AT EITHER OF THE ADDRESSES LISTED BELOW; BY EMAIL AT [DURODYNE@BMCGROUP.COM](mailto:DURODYNE@BMCGROUP.COM) OR BY VISITING [WWW.BMCGROUP.COM/DURODYNE](http://WWW.BMCGROUP.COM/DURODYNE).**

<b>IF BY REGULAR MAIL:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing PO Box 90100 Los Angeles, CA 90009	<b>IF BY MESSENGER OR OVERNIGHT DELIVERY:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing 3732 West 120th Street Hawthorne, CA 90250
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Copies of the Plan and the Disclosure Statement also may be examined by interested parties between the hours of 9:00 a.m. and 4:30 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. To the extent any portion of this notice conflicts with the Plan or the Disclosure Statement, the terms of those documents shall control over this notice.

***Please note that the Balloting Agent cannot provide legal advice or direct you to either accept (vote in favor of) or reject (vote against) the Plan. IF AN ADDITIONAL BALLOT IS NEEDED, PLEASE DO NOT PHOTOCOPY THIS BALLOT, BUT RATHER, REQUEST AN ADDITIONAL BALLOT FROM THE BALLOTING AGENT.***

**DURO DYNE NATIONAL CORP., et al.,**  
**INDIVIDUAL BALLOT FOR VOTING ON THE PRENEGOTIATED PLAN**  
**OF REORGANIZATION OF DURO DYNE NATIONAL CORP., et al.,**  
**UNDER CHAPTER 11 OF THE BANKRUPTCY CODE FOR CLASS 7**  
**(CHANNELED ASBESTOS CLAIMS)**

**ITEM 1 - Plan Vote. Please mark one box below.**

The undersigned, a holder of a Channeled Asbestos Claim or his or her authorized agent:

- ☐ **ACCEPTS / VOTES IN FAVOR OF the Plan**  
☐ **REJECTS / VOTES AGAINST the Plan**

**Your vote will be counted in accordance with the Plan and Voting Procedures for Class 7 (Channeled Asbestos Claims).**

**ITEM 2— Injured Party's Disease Category**

(Check only one):

- ☐ Mesothelioma (Level V)  
☐ Lung Cancer 1 (Level IV)  
☐ Lung Cancer 2 (Level III)  
☐ Other Cancer (Level II)  
☐ Severe Asbestosis (Level I)  
☐ Other Asbestos Disease

**ITEM 3 - Claimant's Name or Address Corrections, if any (Print Clearly):**

(Name)

(Address 1)

(Address 2)

(City)

(State)

(Zip)

**ITEM 4—Last Four Digits of Injured Party's Social Security Number - \_ \_ \_ \_****By signing this Ballot, you certify that:**

I have received a copy of the Disclosure Statement (with the Plan attached as an exhibit), this Individual Ballot, and the Confirmation Hearing Notice.

Upon information and belief, I am a holder of a Channeled Asbestos Claim (as defined in the Plan) or an agent authorized to submit this Ballot on behalf of such holder.

The asbestos-related disease attributed to the Asbestos Claim being voted in this Ballot is the disease category designated in Item 2 above, based on medical records or similar documentation regarding the person who has or had such disease.

**ITEM 6 - Signature/Authorization**

Signature of Claimant or Authorized Agent

Print Name of Signatory

If by Authorized Agent, Print Title of Agent

Date

**TO BE COUNTED, THIS BALLOT MUST HAVE THE LAST FOUR DIGITS OF THE INJURED PARTY'S SOCIAL SECURITY NUMBER, BE SIGNED AND DATED, AND BE RECEIVED BY THE BALLOTING AGENT BY 4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2019, AT ONE OF THE FOLLOWING ADDRESSES:**

Duro Dyne National Corp. et al. Balloting Agent

**IF BY REGULAR MAIL:**

BMC Group, Inc.  
 Attn: Duro Dyne Ballot Processing  
 PO Box 90100  
 Los Angeles, CA 90009

**IF BY MESSENGER OR OVERNIGHT DELIVERY:**

BMC Group, Inc.  
 Attn: Duro Dyne Ballot Processing  
 3732 West 120th Street  
 Hawthorne, CA 90250

ITEM 5— Claimant's Telephone Number

( ) - - - - -

## VOTING INSTRUCTIONS FOR CLASS 7 (CHANNELED ASBESTOS CLAIMS) INDIVIDUAL BALLOT

1. This Ballot is submitted to you in connection with the solicitation of votes of holders of Claims in Class 7 (Channeled Asbestos Claims) to accept (vote in favor of) or reject (vote against) the Plan. PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THIS BALLOT. DIGITAL COPIES OF THE PLAN AND DISCLOSURE STATEMENT CAN BE FOUND ON THE USB FLASH DRIVE ENCLOSED IN THE PACKET YOU RECEIVED. You may wish to seek legal advice concerning the Plan and the classification and treatment of your claim under the Plan.

2. **ITEM 1: CAST ONE VOTE TO ACCEPT (VOTE IN FAVOR OF) OR REJECT (VOTE AGAINST) THE PLAN BY CHECKING THE APPROPRIATE BOX.** If you submit a signed Ballot but fail to indicate whether you accept or reject the Plan or if you indicate that you accept and reject the Plan, your vote will be counted as an acceptance of the Plan.

3. **ITEM 2:** Indicate in Item 2 the disease category applicable to your Class 7 Channeled Asbestos Claim. You may wish to contact your doctor or legal adviser before completing this Item. The following are the asbestos-related disease categories, along with their corresponding amount and medical criteria for voting purposes only:

a. Mesothelioma (Level V). Requires a diagnosis of mesothelioma. **Claim amount for voting purposes only: \$140,000.**

b. Lung Cancer 1 (Level IV). Requires (1) a diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease,<sup>2</sup> and (2) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question. **Claim amount for voting purposes only: \$50,000.**

c. Lung Cancer 2 (Level III). Requires (1) a diagnosis of a primary lung cancer, and (2) supporting medical documentation establishing asbestos exposure as a

<sup>2</sup> Evidence of "Bilateral Asbestos-Related Nonmalignant Disease," for purposes of meeting the criteria for establishing Disease Levels II and IV, means either (i) a chest X-ray read by a qualified B reader of 1/0 or higher on the ILO scale or (ii)(x) a chest X-ray read by a qualified B reader or other Qualified Physician, (y) a CT scan read by a Qualified Physician, or (z) pathology, in each case showing either bilateral interstitial fibrosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification. Evidence submitted to demonstrate (i) or (ii) above must be in the form of a written report stating the results (*e.g.*, an ILO report, a written radiology report or a pathology report). Solely for Asbestos Claims filed against the Debtors or another defendant in the tort system prior to the Petition Date, if an ILO reading is not available, either (i) a chest X-ray or a CT scan read by a Qualified Physician, or (ii) pathology, in each case showing bilateral interstitial fibrosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification consistent with or compatible with a diagnosis of asbestos-related disease, shall be evidence of a Bilateral Asbestos-Related Nonmalignant Disease for purposes of meeting the presumptive medical requirements of Disease Levels II and IV. Pathological proof of asbestosis may be based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, "Asbestos-associated Diseases," Vol. 106, No. 11, App. 3 (October 8, 1982). For purposes herein, a "Qualified Physician" is a physician who is board-certified in one or more relevant specialized fields of medicine such as pulmonology, radiology, internal medicine or occupational medicine; provided, however, that the requirement for board certification shall not apply to otherwise qualified physicians whose X-ray and/or CT scan readings are submitted for deceased holders of Asbestos Claims.

contributing factor in causing the lung cancer in question. Lung Cancer 2 (Level III) claims are claims that do not meet the more stringent requirements of Lung Cancer 1 (Level IV) claims. **Claim amount for voting purposes only: \$25,000.**

d. Other Cancer (Level II). Requires (1) a diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease, and (2) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question. **Claim amount for voting purposes only: \$20,000.**

e. Severe Asbestosis (Level I). Requires (1) either (a) a diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (x) TLC less than 65%, or (y) FVC less than 65% and FEV1/FVC ratio greater than 65%,<sup>3</sup> (b) a death where (x) asbestosis is listed as the cause or a significant contributing cause of death on the death certificate or (y) a report from a Qualified Physician who is a pathologist, a pulmonologist, or an occupational medicine physician, stating that asbestosis was a significant contributing cause of death, *or* (c) a diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (x) a Qualified Physician who is a pulmonologist or an occupational medicine physician and prescribes oxygen to the injured party, (y) the treating Qualified Physician states that the predominant cause of the need for oxygen is asbestosis, and (z) the oxygen is needed by the injured party to perform activities of daily life (e.g., not oxygen that is prescribed only for comfort care, at night, for surgery, or on occasion); *and* (2) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question. **Claim amount for voting purposes only: \$34,000.**

f. Other Asbestos Disease. For asbestos-related diseases that do not meet or satisfy the medical criteria for any of the other disease categories above. **Claim amount for voting purposes only: \$100.**

4. Any vote on behalf of a claimant submitted without designation of a disease category applicable to such claimant will be counted as a vote on behalf of a claimant with "Other Asbestos Disease." Should more than one disease category be selected, the designated disease category with the highest dollar amount shall be counted.

5. **ITEM 3:** Print or type the name of the claimant and provide the claimant's current mailing address.

6. **ITEM 4:** Provide the last four digits of the claimant's (injured party's) Social Security number. If you do not so provide, the Ballot will not be counted.

7. **ITEM 5:** Provide the telephone number for the claimant.

8. **ITEM 6: BALLOT CERTIFICATION.** Item 6 of the Ballot requires you to provide certain certifications. By signing and returning a Ballot, you will be certifying that (1) on information and belief, you are the holder of a Channeled Asbestos Claim (as defined in the Plan) or an agent authorized to submit the Ballot on behalf of such holder, and (2) the asbestos-related disease attributed to the Channeled Asbestos Claim being voted in the Ballot is the

<sup>3</sup> This must be the actual measured value as opposed to the percentage of predicted.



disease category designated on the Ballot based on medical records or similar documentation regarding the person who has or had such disease.

9. **SIGN AND DATE THE BALLOT.** If the Ballot is not signed, the vote shown on the Ballot will not be counted.

10. **RETURN ALL PAGES OF THE BALLOT IN THE PRE-ADDRESSED ENVELOPE.** Ballots transmitted by facsimile or other electronic means, including e-mail, will not be counted. Ballots delivered to the Bankruptcy Court, the Debtors, or any other person other than the Balloting Agent will not be counted.

11. To have your vote counted, the Ballot must be completed, signed, dated, and returned so that it is ***actually received*** not later than **4:00 p.m. (prevailing Eastern Time), on January 24, 2019** (the “Voting Deadline”), unless such time is extended by the Debtors, to one of the following addresses:

<p><b>IF BY REGULAR MAIL:</b>  BMC Group, Inc.  Attn: Duro Dyne Ballot Processing  PO Box 90100  Los Angeles, CA 90009</p>	<p><b>IF BY MESSENGER OR OVERNIGHT DELIVERY:</b>  BMC Group, Inc.  Attn: Duro Dyne Ballot Processing  3732 West 120th Street  Hawthorne, CA 90250</p>
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12. This Ballot will not constitute or be deemed a proof of claim or equity interest, an assertion of a claim or equity interest, or the allowance of a claim or equity interest. None of the information set forth in this Ballot shall constitute an admission by the Debtors as to the extent, validity, or priority of the claim voted herein, nor shall anything contained herein be binding upon the Debtors, the Asbestos Trust or the claimant in any subsequent claims resolution process.

13. If you are an individual and intend for your attorney to vote your claim, you must return the completed Ballot to your attorney or arrange for your attorney to vote on your behalf well in advance of the Voting Deadline, so that your vote may be included on a Master Ballot before the Voting Deadline.

14. The Ballot may not be used for any purpose other than to transmit a vote on the Plan.

15. **YOU MUST VOTE THE FULL AMOUNT OF YOUR CLASS 7 CHANNELED ASBESTOS CLAIM EITHER TO ACCEPT/VOTE IN FAVOR OF OR TO REJECT/VOTE AGAINST THE PLAN AND MAY NOT SPLIT YOUR VOTE.** The vote of any holder of an Asbestos Claim who attempts partially to reject (vote against) and partially to accept (vote in favor of) will be counted as a vote in favor of the Plan.

16. If you submit more than one Ballot voting the same Asbestos Claim prior to the Voting Deadline, then only the last dated timely-filed Ballot shall be counted.

17. The Balloting Agent is authorized in its sole and absolute discretion, but is not obligated, to contact you to cure any defects in the Ballot.

18. This Ballot is for individual holders of Channeled Asbestos Claims only. If you believe that you have received the wrong Ballot, please contact the Balloting Agent immediately.

19. The Plan will be found to have been accepted by Class 7 if it is accepted by the holders of at least two-thirds (2/3) in amount and seventy-five percent (75%) in number of Channeled Asbestos Claims in Class 7 voting on the Plan. If an order confirming the Plan is issued by the Bankruptcy Court, all holders of Interests in, and any and all holders of Claims against, the Debtors (including those who reject the Plan, abstain from voting on the Plan, or are not entitled to vote on the Plan) will be bound by the confirmed Plan and the transactions contemplated thereby.

20. TO BE COUNTED, IT IS IMPERATIVE THAT YOU SIGN AND DATE THE BALLOT AND THAT YOU PROVIDE THE LAST FOUR DIGITS OF THE INJURED PARTY'S SOCIAL SECURITY NUMBER. A BALLOT THAT DOES NOT CONTAIN THIS REQUIRED INFORMATION WILL NOT BE COUNTED.

21. DO NOT INCLUDE MEDICAL RECORDS WITH THIS BALLOT. MEDICAL RECORDS CANNOT BE RETURNED BY THE BALLOTING AGENT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS BALLOT, OR IF YOU DID NOT RECEIVE A RETURN ENVELOPE WITH YOUR BALLOT, OR IF YOU DID NOT RECEIVE A COPY OF THE PLAN OR DISCLOSURE STATEMENT, OR IF YOU BELIEVE YOU HAVE RECEIVED THE WRONG BALLOT, OR IF YOU NEED ADDITIONAL COPIES OF THIS BALLOT OR OTHER ENCLOSED MATERIALS, PLEASE CONTACT THE BALLOTING AGENT AT EITHER ONE OF THE ADDRESSES LISTED ABOVE; BY EMAIL [DURODYNE@BMCGROUP.COM](mailto:DURODYNE@BMCGROUP.COM); OR BY VISITING [WWW.BMCGROUP.COM/DURODYNE](http://WWW.BMCGROUP.COM/DURODYNE).

Copies of the Plan and the Disclosure Statement also may be examined by interested parties between the hours of 9:00 a.m. and 4:30 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. To the extent any portion of this notice conflicts with the Plan or the Disclosure Statement, the terms of those documents shall control over this notice.

<p><b>TO BE COUNTED, THIS BALLOT MUST <i>BE ACTUALLY RECEIVED</i> BY THE BALLOTING AGENT BY 4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2019</b></p>
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## **EXHIBIT 5**

**MASTER BALLOT FOR CLASS 7 (CHANNELED ASBESTOS CLAIMS)**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18 27963(MBK)

(Jointly Administered)

**MASTER BALLOT FOR VOTING ON THE SECOND AMENDED PRENEGOTIATED  
PLAN OF REORGANIZATION OF DURO DYNE NATIONAL CORP., ET AL.  
UNDER CHAPTER 11 OF THE BANKRUPTCY CODE FOR  
CLASS 7 CHANNELED ASBESTOS CLAIMS**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) are soliciting votes with respect to the *Second Amended Prenegotiated Plan of Reorganization of Duro Dyne National Corp. et al. Under Chapter 11 of the Bankruptcy Code, dated November 15, 2018 (the “Plan”)*, which is described in the *Second Amended Disclosure Statement with Respect to the Prenegotiated Plan of Reorganization of Duro Dyne National Corp. et al. Under Chapter 11 of the Bankruptcy Code, dated November 15, 2018 (the “Disclosure Statement”)*, both of which are included on the USB flash drive accompanying this Ballot. The Plan and Disclosure Statement can also be accessed on the internet at [www.bmcgroup.com/DuroDyne](http://www.bmcgroup.com/DuroDyne).

On November 20, 2018, the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”) signed an order approving certain procedures (the “Voting Procedures”) for the solicitation and tabulation of votes on the Plan. Section IV of the Voting Procedures sets forth the procedures for master ballots, such as this one, that are signed by attorneys for holders of Channeled Asbestos Claims against the Debtors. Capitalized terms used but not defined in this ballot shall have the meanings given in the Plan.

*The Plan, attached to the Disclosure Statement as Exhibit “A”, provides for the issuance of an “Asbestos Permanent Channeling Injunction” pursuant to section 524(g) of the Bankruptcy Code. For a description of the claims and causes of action to be enjoined and the identities of the entities that would be subject to the injunction, see Article VIII of the Disclosure Statement and Article IX of the Plan. The Plan also proposes certain releases, injunctions, and exculpations, pursuant to which certain parties are released from liability or exculpated for a variety of claims.*

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

THIS MASTER BALLOT IS TO BE USED BY COUNSEL ONLY FOR VOTING ON BEHALF OF INDIVIDUAL HOLDERS OF CLAIMS IN CLASS 7 (CHANNELED ASBESTOS CLAIMS). The Plan provides different treatment for different classes of claims or interests. Channeled Asbestos Claims (as defined in the Plan) are included in Class 7 under the Plan. This treatment also is described in the Disclosure Statement. **If you have any questions on how to complete this Master Ballot properly, please refer to the attached instructions.**

IN ORDER FOR THESE VOTES TO BE COUNTED, THIS MASTER BALLOT MUST BE PROPERLY COMPLETED, SIGNED, AND RETURNED SO THAT IT IS *ACTUALLY RECEIVED* BY BMC GROUP, INC. (THE “BALLOTING AGENT”) NO LATER THAN **4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2019, 2018** (THE “VOTING DEADLINE”), UNLESS SUCH TIME IS EXTENDED BY THE DEBTORS, AT ONE OF THE FOLLOWING ADDRESSES:

<b>IF BY REGULAR MAIL:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing PO Box 90100 Los Angeles, CA 90009	<b>IF BY MESSENGER OR OVERNIGHT DELIVERY:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing 3732 West 120th Street Hawthorne, CA 90250
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If you represent a Channeled Asbestos Claimant and you are (1) unable to certify with respect to any holder of a Channeled Asbestos Claim that you have the authority to vote on the Plan on behalf of such holder (see section IV(3)(ii) of the Voting Procedures) or (2) wish any holder of a Channeled Asbestos Claim represented by you to cast his or her own Ballot on the Plan, you shall furnish the Balloting Agent with a list setting forth the name and address for each such holder within five (5) Business Days of receiving the Solicitation Package; provided, that, if such list contains more than twenty (20) such holders, such information must be provided in electronic format by email, preferably in Microsoft Excel format; provided, further, that if it is not possible to provide such information in an electronic format by email, such information must be sent to the Balloting Agent by mail in printed form or on a disc or thumb drive so that it is actually received within seven (7) Business Days of receiving a copy of the Solicitation Package.

**IF YOU HAVE ANY QUESTIONS CONCERNING THIS MASTER BALLOT, OR IF YOU DID NOT RECEIVE A COPY OF THE DISCLOSURE STATEMENT OR PLAN, OR IF YOU NEED ADDITIONAL COPIES OF THIS MASTER BALLOT OR OTHER ENCLOSED MATERIALS, PLEASE CONTACT THE BALLOTING AGENT AT ONE OF THE ADDRESSES LISTED ABOVE; BY EMAIL AT DURODYNE@BMCGROUP.COM OR BY VISITING WWW.BMCGROUP.COM/DURODYNE.**

Copies of the Plan and the Disclosure Statement also may be examined by interested parties between the hours of 9:00 a.m. and 4:30 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. To the

extent any portion of this notice conflicts with the Plan or the Disclosure Statement, the terms of those documents shall control over this notice.

Please note that the Balloting Agent cannot provide legal advice or direct you to either accept or reject the Plan.

Ballots transmitted by facsimile or other electronic means, including e-mail, will not be counted. Ballots delivered to the Bankruptcy Court, the Debtors, or any other person other than the Balloting Agent will not be counted.

If an order confirming the Plan is issued by the Bankruptcy Court, all holders of Interests in, and any and all holders of Claims against, the Debtors (including those who reject/vote against the Plan, abstain from voting on the Plan, or are not entitled to vote on the Plan) will be bound by the confirmed Plan and the transactions contemplated thereby.

INSTRUCTIONS FOR COMPLETING THE MASTER BALLOT FOLLOW THE BALLOT. PLEASE READ THE INSTRUCTIONS, THE PLAN, AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THE MASTER BALLOT.

IF AN ADDITIONAL MASTER BALLOT IS NEEDED, PLEASE DO NOT PHOTOCOPY THIS BALLOT, BUT RATHER, REQUEST AN ADDITIONAL BALLOT FROM THE BALLOTING AGENT.

PLEASE COMPLETE THE FOLLOWING:

**ITEM 1. TABULATION OF VOTES WITH RESPECT TO THE PLAN.** Each holder of a Channeled Asbestos Claim must vote his or her entire Claim either to accept (vote in favor of) or reject (vote against) the Plan. A holder of an Channeled Asbestos Claim may not split his or her vote within a Class. Accordingly, the vote of any holder of a Channeled Asbestos Claim who attempts to partially reject and partially accept the Plan will be counted as an acceptance for voting purposes on the Plan solely with respect to that Claim. If the Master Ballot is signed and timely sent to the Balloting Agent, but does not designate either acceptance or rejection of the Plan (or indicates both acceptance *and* rejection of the Plan) for any particular Claim, the Master Ballot will be counted as an acceptance for voting purposes on the Plan solely with respect to that Claim.

If you cast more than one Master Ballot and vote more than once on account of the same individual Asbestos Claim, the latest-dated Master Ballot received before the Voting Deadline will be deemed to reflect the claimholder's intent and thus to supersede any prior Master Ballots with respect to such individual Channeled Asbestos Claim.

The Balloting Agent is authorized in its sole and absolute discretion, but is not obligated, to contact you to cure any defects in the Master Ballot. Only those Master Ballots *actually received* by the Voting Deadline will be tabulated.

**For claimants holding a Claim in Class 7 (Channeled Asbestos Claims) please mark one of the boxes below:**

- ☐ All Class 7 Channeled Asbestos Claims listed on the Master Ballot Exhibit **ACCEPT (VOTE IN FAVOR OF)** the Plan.
- ☐ All Class 7 Channeled Asbestos Claims listed on the Master Ballot Exhibit **REJECT (VOTE AGAINST)** the Plan.
- ☐ Some of the individuals listed on the Master Ballot Exhibit **ACCEPT (VOTE IN FAVOR OF)** the Plan while other individuals listed on the Master Ballot Exhibit **REJECT (VOTE AGAINST)** the Plan.

**ITEM 2. SUMMARY OF VOTES BY DISEASE CATEGORY.** Please summarize the votes of the holders of Asbestos Claims for whom you are voting, according to disease category, on the table below.

<b>Disease Category</b>	<b>Number of Votes ACCEPTING / VOTING IN FAVOR OF the Plan</b>	<b>Dollar Amount of Votes ACCEPTING / VOTING IN FAVOR OF the Plan</b>	<b>Number of Votes REJECTING / VOTING AGAINST the Plan</b>	<b>Dollar Amount of Votes REJECTING / VOTING AGAINST the Plan</b>
Mesothelioma (Level V)				
Lung Cancer 1 (Level IV)				
Lung Cancer 2 (Level III)				
Other Cancer (Level II)				
Severe Asbestosis (Level I)				
Other Asbestos Disease				
<b>Total Votes</b>				

**ITEM 3. EXHIBIT OF INDIVIDUAL HOLDERS OF CHANNELED ASBESTOS CLAIMS REPRESENTED BY COUNSEL.** Please prepare a client list of each holder of a Class 7 Channeled Asbestos Claims you are voting as a required exhibit to the Master Ballot (the “Master Ballot Exhibit”). The Master Ballot Exhibit shall be prepared as an electronic document in Microsoft Excel or similar format, consistent with the form attached hereto, and be transmitted to the Balloting Agent via disc or thumb drive; provided, however, if the Master

Ballot Exhibit contains less than twenty (20) holders of Channeled Asbestos Claims, the Master Ballot Exhibit may be attached to the Master Ballot as an exhibit in paper form. An electronic template of the Master Ballot Exhibit is available from the Balloting Agent upon request. The Master Ballot Exhibit must include the following information: (i) the name of the injured party (with first name, last name, middle initial, and suffix listed in separate columns); (ii) the last four digits of the injured party's Social Security number, (iii) date of birth; (iv) date of death, if applicable, (v) disease type; and (vi) whether each individual holder of a Channeled Asbestos Claim votes to accept/votes in favor of or rejects/votes against the Plan. Any vote on behalf of a holder of a Channeled Asbestos Claim submitted without inclusion of the name and the last four digits of a valid Social Security number of such claimant will not be counted.

**ITEM 4. CERTIFICATION OF COUNSEL: REQUIRED CERTIFICATIONS REGARDING ASBESTOS CLAIMS.** By signing this Master Ballot, the undersigned certifies, on information and belief, that the following statements are true and correct:

- I have been provided with a copy of the Disclosure Statement (with the Plan attached as an exhibit), this Master Ballot, the Confirmation Hearing Notice
- I am authorized under applicable law by each of the holders of a Class 7 Channeled Asbestos Claims listed on the Master Ballot Exhibit accompanying this Master Ballot to vote each of their Channeled Asbestos Claims to accept or reject the Plan, as indicated on the exhibit.
- Each claimant identified on the exhibit attached hereto has, on information and belief, Channeled Asbestos Claims (as defined in the Plan) against one or more of the Debtors.
- The asbestos-related disease attributed to such Channeled Asbestos Claim is the disease category designated on the Master Ballot Exhibit, based on medical records or similar documentation regarding the person who has or had such disease.

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Print or Type Name of Attorney Completing Ballot

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Full Name of Law Firm and Tax ID Number

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Street Address

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City, State and Zip Code

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( )	( )
_____ Telephone Number	_____ Facsimile Number

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E-mail Address for Acknowledgement

SIGN AND DATE BELOW:

Please check if applicable:

\_\_\_\_\_  
Signature

☐ **Address correction**

☐ **Address not previously provided**

\_\_\_\_\_  
Date

**IF THIS MASTER BALLOT IS NOT *ACTUALLY RECEIVED* BY THE BALLOTING AGENT BY 4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2019, IT WILL NOT BE COUNTED.**

**VOTING INSTRUCTIONS FOR COMPLETING  
MASTER BALLOT FOR CLASS 7 CHANNELED ASBESTOS CLAIMS**

1. This Master Ballot is submitted to you in connection with the solicitation of votes of individual holders of Channeled Asbestos Claims to accept or reject the Plan. The Disclosure Statement and Plan are being provided to you on the enclosed a USB flash drive unless otherwise requested. Capitalized terms used but not defined in this Master Ballot shall have the meanings given in the Plan. **PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THE MASTER BALLOT.**

2. This Master Ballot is to be used by counsel of record for individual holders of Channeled Asbestos Claims who are authorized to vote on behalf of those clients to accept or reject the Plan.

3. In order for the votes reflected on the Master Ballot to count, the Master Ballot must be completed, dated, signed, and returned so that it is *actually received* by the Balloting Agent, BMG Group not later than **4:00 p.m. (prevailing Eastern Time), on January 24, 2019**, (the “Voting Deadline”), unless such time is extended by the Debtors, at the following address:

<p style="text-align: center;"><b>IF BY REGULAR MAIL:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing PO Box 90100 Los Angeles, CA 90009</p>	<p style="text-align: center;"><b>IF BY MESSENGER OR OVERNIGHT DELIVERY:</b> BMC Group, Inc. Attn: Duro Dyne Ballot Processing 3732 West 120th Street Hawthorne, CA 90250</p>
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Ballots transmitted by facsimile or other electronic means, including e-mail, will not be counted. Ballots delivered to the Bankruptcy Court, the Debtors, or any other person other than the Balloting Agent will not be counted.

4. This Ballot will not constitute or be deemed a proof of claim or equity interest, an assertion of a claim or equity interest, or the allowance of a claim or equity interest. None of the information set forth in this Ballot shall constitute an admission by the Debtors as to the extent, validity, or priority of the claim voted herein, nor shall anything contained herein be binding upon the Debtors, the claimant or the Asbestos Trust in any subsequent claims resolution process.

5. The Master Ballot may not be used for any purpose other than to transmit the votes to accept/in favor of or reject/against the Plan.

6. Multiple Master Ballots may be completed and delivered to the Balloting Agent. Votes reflected by multiple Master Ballots will be counted except to the extent that they are duplicative of other Master Ballots. If two or more Master Ballots are inconsistent, the last dated Master Ballot received by the Voting Deadline will, to the extent of such inconsistency, govern.

If more than one Master Ballot is submitted and the later Master Ballot(s) supplement(s) rather than duplicate(s) earlier Master Ballot(s), please designate the subsequent Master Ballot(s) as “Supplement” and clearly mark which of the votes reflected thereon are additional or changed votes. Notwithstanding the foregoing, if two or more votes are received for the same claimant, but submitted by different counsel, the claimant’s vote will be counted only once, and only if the votes are consistent. If the votes are not consistent, none of the votes will be counted.

7. Each holder of a Channeled Asbestos Claim must vote his or her entire claim either to accept (vote in favor of) or to reject (vote against) the Plan. A holder of an individual Channeled Asbestos Claim may not split his or her vote within a Class. Accordingly, any Channeled Asbestos Claim that partially rejects and partially accepts the Plan shall be counted as a vote in favor of the Plan. With respect to each holder of a Channeled Asbestos Claim that has authorized you to vote his or her Channeled Asbestos Claim on the Master Ballot, you must clearly designate either acceptance or rejection of the Plan. If this Master Ballot is signed and timely received by the Balloting Agent, but does not designate either acceptance or rejection of the Plan, or both acceptance *and* rejection of the Plan for any particular claim, it shall be counted as a vote in favor of the Plan as to that claim. Furthermore, for purposes of computing the Master Ballot vote, each voting holder of a Channeled Asbestos Claim shall be deemed to have a single vote in the full amount of the disease category forming the basis for such claimant’s asserted Channeled Asbestos Claim. The Balloting Agent is authorized in its sole and absolute discretion, but is not obligated, to contact you to cure any defects in the Master Ballot. Only those Master Ballots *actually received* by the Voting Deadline will be tabulated.

8. The Master Ballot and the Master Ballot Exhibit (as described herein) must specify a disease category to the claim of each claimant, chosen from the categories below. The following are the asbestos disease categories, along with their corresponding amount and medical criteria for voting purposes only:

a. Mesothelioma (Level V). Requires (1) a diagnosis of mesothelioma.  
**Claim amount for voting purposes only: \$140,000.**

b. Lung Cancer 1 (Level IV). Requires (1) a diagnosis of a primary lung cancer plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease,<sup>2</sup> and (2) supporting medical documentation establishing asbestos exposure as a

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<sup>2</sup> Evidence of “Bilateral Asbestos-Related Nonmalignant Disease,” for purposes of meeting the criteria for establishing Disease Levels II and IV, means either (i) a chest X-ray read by a qualified B reader of 1/0 or higher on the ILO scale or (ii)(x) a chest X-ray read by a qualified B reader or other Qualified Physician, (y) a CT scan read by a Qualified Physician, or (z) pathology, in each case showing either bilateral interstitial fibrosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification. Evidence submitted to demonstrate (i) or (ii) above must be in the form of a written report stating the results (*e.g.*, an ILO report, a written radiology report or a pathology report). Solely for Channeled Asbestos Claims filed against the Debtors or another defendant in the tort system prior to the Petition Date, if an ILO reading is not available, either (i) a chest X-ray or a CT scan read by a Qualified Physician, or (ii) pathology, in each case showing bilateral interstitial fibrosis, bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification consistent with or compatible with a diagnosis of asbestos-related disease, shall be evidence of a Bilateral Asbestos-Related Nonmalignant Disease for purposes of meeting the presumptive medical requirements of Disease Levels II and IV. Pathological proof of asbestosis may be based on the pathological grading system for asbestosis described in the Special Issue of the Archives of Pathology and Laboratory Medicine, “Asbestos-associated Diseases,” Vol. 106, No. 11, App. 3

contributing factor in causing the lung cancer in question. **Claim amount for voting purposes only: \$50,000.**

c. Lung Cancer 2 (Level III). Requires (1) a diagnosis of a primary lung cancer, and (2) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the lung cancer in question. Lung Cancer 2 (Level III) claims are claims that do not meet the more stringent requirements of Lung Cancer 1 (Level IV) claims. **Claim amount for voting purposes only: \$25,000.**

d. Other Cancer (Level II). Requires (1) a diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer, plus evidence of an underlying Bilateral Asbestos-Related Nonmalignant Disease, and (2) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the other cancer in question. **Claim amount for voting purposes only: \$20,000.**

e. Severe Asbestosis (Level I). Requires (1) either (a) a diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (x) TLC less than 65%, or (y) FVC less than 65% and FEV1/FVC ratio greater than 65%,<sup>3</sup> (b) a death where (x) asbestosis is listed as the cause or a significant contributing cause of death on the death certificate or (y) a report from a Qualified Physician who is a pathologist, a pulmonologist, or an occupational medicine physician, stating that asbestosis was a significant contributing cause of death, *or* (c) a diagnosis of asbestosis with ILO of 2/1 or greater, or asbestosis determined by pathological evidence of asbestosis, plus (x) a Qualified Physician who is a pulmonologist or an occupational medicine physician and prescribes oxygen to the injured party, (y) the treating Qualified Physician states that the predominant cause of the need for oxygen is asbestosis, and (z) the oxygen is needed by the injured party to perform activities of daily life (e.g., not oxygen that is prescribed only for comfort care, at night, for surgery, or on occasion); *and* (2) supporting medical documentation establishing asbestos exposure as a contributing factor in causing the pulmonary disease in question. **Claim amount for voting purposes only: \$34,000.**

f. Other Asbestos Disease. For asbestos-related diseases that do not meet or satisfy the medical criteria for any of the other disease categories above. **Claim amount for voting purposes only: \$100.**

9. For purposes of voting on the Plan, each Channeled Asbestos Claim shall be counted in the amount set forth above that corresponds to the disease category for each such Channeled Asbestos Claim, which is solely for voting purposes and does not constitute an

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(October 8, 1982). For purposes herein, a “Qualified Physician” is a physician who is board-certified in one or more relevant specialized fields of medicine such as pulmonology, radiology, internal medicine or occupational medicine; provided, however, that the requirement for board certification in this provision shall not apply to otherwise qualified physicians whose X-ray and/or CT scan readings are submitted for deceased holders of Channeled Asbestos Claims.

<sup>3</sup> This must be the actual measured value as opposed to the percentage of predicted.

allowance or liquidation of such Channeled Asbestos Claims for purposes of distribution from the Asbestos Trust.

10. You will be required to certify that the disease category set forth on the Master Ballot is supported by medical records or similar documentation. If no disease category is indicated for a claimant, the Balloting Agent shall treat the affected vote as being cast on behalf of a claimant with "Other Asbestos Disease." If more than one disease category is selected for an Channeled Asbestos Claim, the Balloting Agent shall count the affected vote in the amount corresponding to the disease category with the highest selected claim amount.

11. Completion of this Master Ballot requires that you compile a Master Ballot Exhibit (in the form attached hereto), certifying a list of the clients represented by you who have Channeled Asbestos Claims.

### **ITEM 1**

12. Item 1 of the Master Ballot requires you to indicate whether the clients listed on the Master Ballot ("Voting Clients") have accepted or rejected the Plan as a whole, or whether some of the Voting Clients have accepted the Plan while others have rejected it. . If all of your Voting Clients listed have authorized you to accept the Plan, you may check the box indicating the same. If all of your clients listed have authorized you to reject the Plan, you may check the box indicating the same. If some of your clients listed have authorized you to accept the Plan, while others have authorized you to reject the Plan, please check the box indicating the same.

### **ITEM 2**

13. Item 2 of the Master Ballot also requires you to complete a summary of the votes to accept/in favor of or reject/against the Plan by disease category and number of voters. To complete Item 2, first prepare the Master Ballot Exhibit, taking care to specify for each of your clients whether such client accepts/votes in favor of or rejects/votes against the plan. Use the table in Item 2 to summarize these totals for each disease category.

### **ITEM 3**

14. Item 3 of the Master Ballot requires you to attach a Master Ballot Exhibit to the Master Ballot, listing each holder of a Channeled Asbestos Claim that you represent. The Master Ballot Exhibit, the form of which is attached hereto, must clearly identify your law firm on each page and list in separate columns the following information for each holder of a Channeled Asbestos Claim on whose behalf you are voting: (i) the name of the injured party (with first name, last name, middle initial, and suffix listed in separate columns); (ii) the last four digits of the injured party's Social Security number; (iii) date of birth; (iv) date of death, if applicable; (v) disease type; (vi) an address for service of notices (which can be the address of the law firm representing the holder); and (vii) whether each individual holder of an Asbestos Claim votes to accept/in favor of or reject/against the Plan. The Master Ballot Exhibit must be submitted on a disc or thumb drive in MICROSOFT EXCEL™ or similar format, and enclosed with the Master Ballot; provided, however, if the Master Ballot Exhibit contains less than twenty (20) holders of Channeled Asbestos Claims, the Master Ballot Exhibit may be attached to the Master Ballot as an exhibit in paper form. Any vote on behalf of a holder of an Channeled Asbestos Claim

submitted without inclusion of the name and the last four digits of a valid Social Security number of such claimant will not be counted. You must state the total number of acceptances and total number of rejections by the holders of Channeled Asbestos Claims that you represent, as reflected in the Master Ballot Exhibit.

#### ITEM 4

15. Item 4 requires that you make certain certifications as a prerequisite to the submission of votes on behalf of voting clients. Please ensure that you have read and understood the certifications prior to signing the Master Ballot, and that the certification is correct for each Channeled Asbestos Claim voted on the Master Ballot. No vote for or against the Plan by or on behalf of a holder of a Channeled Asbestos Claims shall be counted by the Balloting Agent unless the Master Ballot reflecting such vote is submitted to the Balloting Agent with written certifications, in the form contained on the Master Ballot.

16. Please sign and date your Master Ballot.

17. Provide your name, mailing address, and telephone number.

18. Contact the Balloting Agent if you need any additional information.

**19. PLEASE RETURN THE COMPLETED AND SIGNED MASTER BALLOT, TOGETHER WITH THE MASTER BALLOT EXHIBIT, TO THE BALLOTING AGENT SO THAT IT IS *ACTUALLY RECEIVED* BY THE VOTING DEADLINE OF 4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2019.**

20. The Plan will be found to have been accepted by Class 7 if it is accepted by the holders of at least two-thirds (2/3) in amount and more than seventy-five percent (75%) in number of Channeled Asbestos Claims in Class 7 voting on the Plan. If the Bankruptcy Court confirms the Plan, all holders of Interests in, and any and all holders of Claims against, the Debtors (including those who rejected the Plan, abstained from voting on the Plan, or were not entitled to vote on the Plan) will be bound by the confirmed Plan and the transactions contemplated thereby.

21. Nothing contained herein or in the enclosed documents shall constitute authority for you or any other person to act as the agent of the Debtors or the Balloting Agent, or authorize you or any other person to use any document or make any statements on behalf of the Debtors or the Balloting Agent with respect to the Plan, except for the statements contained in the enclosed documents.

**22. Master Ballots transmitted by facsimile or other electronic means, including emails, shall not be counted.**

IF YOU HAVE ANY QUESTIONS REGARDING THIS MASTER BALLOT, OR IF YOU DID NOT RECEIVE A RETURN ENVELOPE WITH YOUR MASTER BALLOT, OR IF YOU DID NOT RECEIVE A COPY OF THE PLAN OR DISCLOSURE STATEMENT, OR IF YOU BELIEVE YOU HAVE RECEIVED THE WRONG BALLOT, OR IF YOU NEED ADDITIONAL COPIES OF THIS MASTER BALLOT OR OTHER ENCLOSED

MATERIALS, PLEASE CONTACT THE BALLOTING AGENT AT THE ADDRESS LISTED ABOVE, BY EMAIL AT [DURODYNE@BMCGROUP.COM](mailto:DURODYNE@BMCGROUP.COM) OR BY VISITING THE WEBSITE AT [WWW.BMCGROUP.COM/DURODYNE](http://WWW.BMCGROUP.COM/DURODYNE).

Copies of the Plan and the Disclosure Statement also may be examined by interested parties between the hours of 9:00 a.m. and 4:30 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. To the extent any portion of this notice conflicts with the Plan or the Disclosure Statement, the terms of those documents shall control over this notice.

**MASTER BALLOT EXHIBIT FOR CLASS 7 (CHANNELED ASBESTOS CLAIMS)**

All holders of Channeled Asbestos Claims represented by:

Plaintiff's Law Firm

[illegible]

**Total Acceptances/Votes in Favor by Disease Category Amount and Number:**

**Total Rejections/Votes Against by Disease Category Amount and Number:**



## **EXHIBIT 6**

**BALLOT FOR CLASS 7 (INDIRECT ASBESTOS CLAIMS)**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18 27963(MBK)

(Joint Administration Requested)

**BALLOT FOR VOTING ON THE SECOND AMENDED PRENEGOTIATED PLAN OF  
REORGANIZATION OF DURO DYNE NATIONAL CORP., ET AL.  
UNDER CHAPTER 11 OF THE BANKRUPTCY CODE**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) are soliciting votes with respect to the *Second Amended Prenegotiated Plan of Reorganization of Duro Dyne National Corp. et al. Under Chapter 11 of the Bankruptcy Code*, dated November 15, 2018 (the “Plan”), which is described in the *Second Amended Disclosure Statement with Respect to the Prenegotiated Plan of Reorganization of Duro Dyne National Corp. et al. Under Chapter 11 of the Bankruptcy Code*, dated November 15, 2018 (the “Disclosure Statement”), both of which are included in the USB flash drive accompanying this Ballot. The Plan and Disclosure Statement can also be accessed on the internet at [www.bmcgroup.com/DuroDyne](http://www.bmcgroup.com/DuroDyne).

On November 20, 2018, the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”) signed an order approving certain procedures (the “Voting Procedures”) for the solicitation and tabulation of votes on the Plan. Capitalized terms used but not defined in this ballot shall have the meanings given in the Plan.

*The Plan, attached to the Disclosure Statement as Exhibit “A”, provides for the issuance of an “Asbestos Permanent Channeling Injunction” pursuant to section 524(g) of the Bankruptcy Code. For a description of the claims and causes of action to be enjoined and the identities of the entities that would be subject to the injunction, see Article VIII of the Disclosure Statement and Article IX of the Plan. The Plan also proposes certain releases, injunctions, and exculpations, pursuant to which certain parties are released from liability or exculpated for a variety of claims.*

The Plan provides different treatment for different classes of claims or interests. Indirect Trust Claims (as defined in the Plan) are included in Class 7 under the Plan. This treatment is also described in the Disclosure Statement. **If you have any questions on how to complete this Ballot properly, please refer to the attached instructions.**

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

This Ballot is to be used ONLY by holders of INDIRECT TRUST CLAIMS against the Debtors. An example of an Indirect Trust Claim is an asbestos-related claim for indemnity, reimbursement, or contribution asserted by a defendant in the tort system against the Debtors or any Asbestos Protected Party. Please consult the Plan's glossary for the complete definition of an Indirect Trust Claim.

TO BE COUNTED, THIS BALLOT MUST BE PROPERLY COMPLETED, SIGNED, AND RETURNED SO THAT IT IS **ACTUALLY RECEIVED** BY BMC GROUP (THE "BALLOTING AGENT") NO LATER THAN **4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2018** (THE "VOTING DEADLINE"), UNLESS SUCH TIME IS EXTENDED BY THE DEBTORS, AT ONE OF THE FOLLOWING ADDRESS:

**IF BY REGULAR MAIL:**

BMC Group, Inc.  
Attn: Duro Dyne Ballot Processing  
PO Box 90100  
Los Angeles, CA 90009

**IF BY MESSENGER OR OVERNIGHT DELIVERY:**

BMC Group, Inc.  
Attn: Duro Dyne Ballot Processing  
3732 West 120th Street  
Hawthorne, CA 90250

This Ballot will not constitute or be deemed a proof of claim or equity interest, an assertion of a claim or equity interest, or the allowance of a claim or equity interest. Nor does the information set forth on this Ballot constitute an admission by the Debtors as to the extent, validity, or priority of the claim voted herein.

**DOCUMENTS INCLUDED WITH THE BALLOT**

You should have received the following documents with this Ballot (the "Solicitation Package"):

- a USB flash drive containing, among other things, digital copies of the Disclosure Statement (with the Plan attached as an exhibit);
- notice of (a) the date and time of the hearing regarding confirmation of the Plan, (b) the procedures for holders of Class 6 (Prepetition Defense-Cost Contribution Claims and Class 7 (Channeled Asbestos Claims) to vote on the Plan; and (c) the procedures and deadlines for filing objections to confirmation of the Plan (the "Confirmation Hearing Notice");
- a pre-addressed return envelope; and
- a cover letter describing the contents of the solicitation package and the enclosed USB flash drive, and instructions for obtaining (free of charge) hard copies of the materials provided in electronic format.

**IF YOU HAVE ANY QUESTIONS CONCERNING THIS BALLOT, OR IF YOU DID NOT RECEIVE A DIGITAL COPY OF THE DISCLOSURE STATEMENT OR PLAN, OR IF YOU NEED ADDITIONAL COPIES OF THIS BALLOT OR OTHER ENCLOSED MATERIALS, YOU MAY CONTACT THE BALLOTING AGENT AT EITHER OF THE ADDRESSES LISTED ABOVE; BY EMAIL AT [DURODYNE@BMCGROUP.COM](mailto:DURODYNE@BMCGROUP.COM) OR BY VISITING [WWW.BMCGROUP.COM/DURODYNE](http://WWW.BMCGROUP.COM/DURODYNE).**

Copies of the Plan and the Disclosure Statement also may be examined by interested parties between the hours of 9:00 a.m. and 4:30 p.m. (prevailing Eastern Time) at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher US Courthouse, 402 East State Street, Trenton, NJ 08608. To the extent any portion of this notice conflicts with the Plan or the Disclosure Statement, the terms of those documents shall control over this notice.

Please note that the Balloting Agent cannot provide legal advice or direct you to either accept or reject the Plan.

Ballots transmitted by facsimile or other electronic means, including e-mail, will not be counted. Ballots delivered to the Bankruptcy Court, the Debtors, or any other person other than the Balloting Agent will not be counted.

The Plan will be found to have been accepted by Class 7 if it is accepted by the holders of at least two-thirds (2/3) in amount and seventy-five (75%) percent in number of Asbestos Claims in Class 7 voting on the Plan. If the Bankruptcy Court confirms the Plan, all holders of interests in, and any and all holders of Claims against, the Debtors (including those who reject the Plan, abstained from voting on the Plan, or were not entitled to vote on the Plan) will be bound by the confirmed Plan and the transactions contemplated thereby.

INSTRUCTIONS FOR COMPLETING THE BALLOT PRECEDE THE BALLOT. PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THE BALLOT. IF AN ADDITIONAL BALLOT IS NEEDED, PLEASE DO NOT PHOTOCOPY THIS BALLOT, BUT RATHER, REQUEST AN ADDITIONAL BALLOT FROM THE BALLOTING AGENT.

**VOTING INSTRUCTIONS FOR COMPLETING BALLOT FOR CLASS 7  
(HOLDERS OF INDIRECT TRUST CLAIMS)**

The following instructions explain each of the items contained on your Ballot. If you have any questions, please contact the Balloting Agent at 1-888-909-0100.

**To fill out your Ballot, you must complete the following:**

**ITEM 1. Claimant's Name and Address**

Please fill in the name and address information requested (if different from the preprinted address listed on the Ballot). Claimants should include street address, city, state, zip code, telephone number, facsimile number, e-mail, and their Employer Identification Number or the last four digits of their Social Security number. Ballots without Employer Identification Numbers or the last four digits of Social Security numbers will not be counted.

**ITEM 2. Vote on the Plan**

Vote on the Plan by checking the box that corresponds to your choice. Ballots that do not indicate a vote to accept/in favor of or a vote to reject/against or indicate both a vote to accept/in favor of and a vote to reject/against will be counted as an accepting vote.

**ITEM 3. Amount of Indirect Trust Claim for Voting Purposes**

Each Indirect Trust Claim is deemed to be allowed temporarily in the amount of \$1.00 in the aggregate per claimant for voting purposes only. To the extent a holder of an Indirect Trust Claim seeks to have its claim temporarily allowed in a greater amount for voting purposes, it must file a motion with the Bankruptcy Court pursuant to section 502 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 3018 to determine the temporarily allowed claim amount for voting purposes. Such a motion must be filed with the Bankruptcy Court and served on the Plan Proponents so that it is actually received by them on or before January 11, 2019. The temporary allowance of Indirect Trust Claims solely for purposes of voting on the Plan is not an admission of liability by the Debtors or any other party for liquidation and payment purposes.

**ITEM 4. Acknowledgement and Certification**

Either the claimant or its authorized agent or attorney (acting on behalf of the claimant) must certify certain information on the Ballot. Please read the certifications contained and ensure that the information on the Ballot meets the requirements of those certifications.

**ITEM 5. Signature and Date**

Either the claimant or its authorized agent or attorney (acting on behalf of the claimant) must sign and date the Ballot. If the Ballot is not signed and dated, the vote shown on the Ballot will not be counted. If you submit more than one Ballot voting the same Asbestos Claim prior to the Voting Deadline, then only the last dated timely-filed Ballot shall be counted.

**IF YOU HAVE ANY QUESTIONS REGARDING THE BALLOT,  
OR IF YOU DID NOT RECEIVE A COPY OF ANY OF THE DOCUMENTS  
DESCRIBED IN THESE INSTRUCTIONS, PLEASE CONTACT THE  
BALLOTING AGENT AT EITHER THE ADDRESS LISTED ABOVE; BY EMAIL AT  
[DURODYNE@BMCGROUP.COM](mailto:DURODYNE@BMCGROUP.COM) OR BY VISITING  
[WWW.BMCGROUP.COM/DURODYNE](http://WWW.BMCGROUP.COM/DURODYNE).**

**BALLOT FOR CLASS 7  
HOLDERS OF TRUST ASBESTOS CLAIMS**

<b>Please read the instructions that accompany this Ballot before completing. Print clearly.</b>
<b>ITEM 1 - Claimant's Name and Address (if different from the preprinted address listed below):</b>
Name
Street Address
City, State and Zip Code (US)
Telephone Number
Facsimile Number
E-mail
Employer Identification No. or Last Four Digits of Social Security No. (U.S. Claimants only)
<b>ITEM 2 - Vote on the Plan:</b> The undersigned, as holder of (or representative of a holder of) an Indirect Trust Claim against one or more of the Debtors votes to (fill in ONE box only):  <input type="checkbox"/> <b>ACCEPT (VOTE IN FAVOR OF) the Plan.</b>  <input type="checkbox"/> <b>REJECT (VOTE AGAINST) the Plan.</b>
<b>ITEM 3 - Principal Amount of Indirect Trust Claim:</b>  The amount of your Indirect Trust Claim for voting purposes only is \$1.00. (See Instructions)
<b>ITEM 4 - Acknowledgement and Certification:</b>  The undersigned, by executing this Ballot in item 5 below, acknowledges receipt of a copy of the Disclosure Statement (with the Plan attached as an exhibit), this ballot, and the Combined Hearing Notice. In addition, the undersigned, by executing this Ballot in item 5 below, certifies the following: (i) Upon information and belief, I hold/the Claimant holds an Indirect Trust Claim against one or more of the Debtors and (ii) I have full power and authority to vote on the Plan on behalf of, or in my capacity as, the Claimant.
<b>ITEM 5 - Signature and Date:</b>
Signature of Claimant or Authorized Agent
Print Name and Title (if Applicable) of Signatory Above
Date
<b>YOU MUST SIGN AND DATE THIS BALLOT IN ITEM 5 ABOVE IN ORDER TO HAVE YOUR VOTE ON THE PLAN COUNTED.</b>

**IF THIS BALLOT IS NOT RECEIVED BY THE BALLOTING AGENT BY  
4:00 P.M. (PREVAILING EASTERN TIME) ON JANUARY 24, 2019,  
IT WILL NOT BE COUNTED.**

## **EXHIBIT 7**

**OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS**

c/o Caplin & Drysdale, Chartered  
One Thomas Circle, N.W.  
Washington, D.C. 20005

— and —

**LAWRENCE FITZPATRICK,  
LEGAL REPRESENTATIVE FOR FUTURE  
ASBESTOS PERSONAL INJURY CLAIMANTS**

c/o Young Conaway Stargatt & Taylor, LLP  
1000 North King Street  
Wilmington, Delaware 19801

**TO: ALL ASBESTOS PERSONAL INJURY CLAIMANTS OF:**

- (1) DURO DYNE NATIONAL CORP.;**
- (2) DURO DYNE CORPORATION;**
- (3) DURO DYNE WEST CORP.;**
- (4) DURO DYNE MIDWEST CORP.; AND**
- (5) DURO DYNE MACHINERY CORP. (collectively, “Debtors”)**

Dear Asbestos Claimant:

The Official Committee of Asbestos Claimants (“**Committee**”) is the only statutory committee of creditors appointed in the bankruptcy reorganization of the Debtors, which is pending before the United States Bankruptcy Court for the District of New Jersey, in Trenton. The Committee consists solely of individuals who allege that they have suffered personal injury or wrongful death as a result of exposure to asbestos-containing products manufactured, distributed, or sold by the Debtors. Lawrence Fitzpatrick, in his official capacity as the Legal Representative for Future Asbestos Personal Injury Claimants (“**Legal Representative**”), was appointed to protect the shared interests of unknown individuals who in the future will manifest asbestos-related illnesses and assert personal injury or wrongful death claims based on exposure to asbestos-containing products manufactured, distributed, or sold by the Debtors. In this bankruptcy case, the Committee is represented by the law firm of Caplin & Drysdale, Chartered. The law firm of Young Conaway Stargatt & Taylor, LLP represents the Legal Representative.

The Committee and the Legal Representative are issuing this letter in connection with the solicitation of votes on a proposed plan of reorganization identified as the *Second Amended Prenegotiated Plan of Reorganization for Duro Dyne National Corp., et al., Under Chapter 11 of the Bankruptcy Code*, dated November 15, 2018 (“**Plan**”). The Plan is jointly proposed by the Debtors, the Committee, and the Legal Representative. For the reasons explained below, the Committee and Legal Representative urge all asbestos claimants to **ACCEPT (VOTE IN FAVOR OF)** the Plan.



As explained in the accompanying Disclosure Statement, Milton Hinden founded the Debtors' business in 1952 under the name Duro-Dyne Corporation. Over the span of 60 years, the company evolved into a manufacturer of sheet metal accessories and equipment for the heating, ventilating, and air conditioning (HVAC) industry. For the past 30 years, one or more of the Debtors have been defendants in lawsuits, in which claimants have sought money damages for personal injury or wrongful death as a result of exposure to asbestos-containing products manufactured, distributed, or sold by the Debtors. Among the asbestos-containing products the Debtors are alleged to have sold are flexible duct connectors and a sealant manufactured by Borden Chemical. In addition, the Debtors are alleged to have sold asbestos-containing products purchased from Raybestos-Manhattan, US Rubber, Uniroyal, and HK Porter, among other companies.

The Debtors are a relatively small, family-owned business with limited resources but face substantial liability from pending and anticipated future claims by persons alleging asbestos-induced personal injuries or wrongful death. The Plan calls for the Debtors and their non-bankrupt affiliates to fund an asbestos settlement trust ("**Asbestos Trust**") created to process existing and future asbestos claims and, to the extent the limited funding permits, pay qualified claims. Under the proposed Plan, the Asbestos Trust would be funded by:

- a cash contribution of \$7,500,000 from the Debtors, to be made on the Plan's effective date;
- a cash contribution of \$3,000,000 made by or on behalf of the Hinden family members and Hinden family entities on the Plan's effective date;
- a secured promissory note in the original principal sum of \$13,500,000, to be issued by reorganized Duro Dyne National Corp. on the Plan's effective date;
- "Earn Out" payments from reorganized Duro Dyne National Corp.'s post-reorganization earnings, totaling \$2,000,000; and
- an assignment and contribution by the Debtors of all rights to insurance coverage responsive or potentially responsive to asbestos personal injury claims.

The Plan embodies carefully negotiated compromises of many complex factual and legal issues. The Committee and Legal Representative believe the Plan provides the maximum recoveries presently available on a consensual basis for present and future claimants and is fair and equitable to all parties in interest. The Committee and Legal Representative, together with their retained professionals, have developed the Asbestos Trust Distribution Procedures that form part of the Plan and will govern the processing, evaluation, and, where appropriate, payment of asbestos claims by the Asbestos Trust. In this case, as in most bankruptcy cases, compromise does not give the participants everything they might obtain if the business environment were more favorable or if they litigated all issues to final decision in the courts. But compromise does protect against risks, uncertainties, and further delays.

FOR THESE AND OTHER REASONS, THE COMMITTEE AND LEGAL REPRESENTATIVE URGE ALL ASBESTOS CLAIMANTS TO **ACCEPT (VOTE IN FAVOR OF)** THE PLAN.

To **accept (vote in favor of)** the Plan, you may either submit a ballot accepting the Plan directly to the Balloting Agent, BMC Group, whose address is listed in the enclosed ballot materials, or, alternatively, authorize your attorney to vote to accept the Plan on your behalf. If you have authorized your attorney to vote for you in bankruptcy cases, this prior authorization should be sufficient.

The voting deadline is **4:00 p.m. Eastern on January 24, 2019**. Please return your ballot promptly and carefully follow all instructions on the ballot when you submit your vote.

Once voting is complete, the Debtors intend to present the Plan to the Bankruptcy Court for approval and confirmation if enough votes are received in favor of the Plan.

Sincerely,

**Official Committee of Asbestos Claimants**

and

**Lawrence Fitzpatrick**, in his official capacity as  
**Legal Representative for Future Asbestos Personal  
Injury Claimants**

## **EXHIBIT A**

## Duro Dyne

Total number of parties: 1

### Exhibit A - Solicitation

Svc Lst	Name and Address of Served Party	Mode of Service
68915	LEVY KONIGSBERG, LLP, ATTN: LUKE HARRISON, PARALEGAL, 800 3RD AVE, 11TH FLOOR, NEW YORK, NY, 10022	Federal Express Overnight

Subtotal for this group: 1

## **EXHIBIT B**

Duro Dyne

Total number of parties: 1

Exhibit B – Duro Dyne

<u>Name and Address of Served Party</u>	<u>Mode of Service</u>
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**All parties served on January 15, 2019**

Luke Harrison	<a href="mailto:LHarrison@levylaw.com">LHarrison@levylaw.com</a>	E-mail
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Subtotal for this group:

Duro Dyne